# **EXHIBIT E**

#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a Delaware corporation,

Plaintiff.

٧.

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., a Delaware corporation, and FAIRCHILD SEMICONDUCTOR CORPORATION, 2 Delaware corporation,

Defendants.

C.A. No. 04-1371-JJF

#### NOTICE OF DEPOSITION & SERVICE OF SUBPOENA

PLEASE TAKE NOTICE that on the 20th day of January 2006, Plaintiff Power Integrations, Inc. initiated service of the attached subpoena upon John Prentice, Conexant, 2401 Palm Bay Rd., NE, Bldg. 62, Mail Stop B017, Room B294, Palm Bay, FL 32905.

PLEASE TAKE FURTHER NOTICE that Plaintiff Power Integrations, Inc., by its counsel, will take the deposition of John Prentice, on Thursday, January 26, 2006, at 2:00 p.m., at the Hilton Melbourne Rialto Place, Melbourne, Florida 32901.

The deposition of John Prentice will continue from day to day, if necessary, until completed. The deposition will be taken before a notary public or other officer authorized by law to administer oaths. All of the deposition testimony will be recorded by stenographic, audio, and/or audiovisual means.

Dated: January 20, 2006

FISH & RICHARDSON P.C.

William J. Marsden, Jr. (#2247)

Sean P. Hayes (#4413)

919 N. Market Street, Suite 1100

P.O. Box 1114

Wilmington, DE 19899-1114

Telephone: (302) 652-5070

Facsimile: (302) 652-0607

Frank E. Scherkenbach

225 Franklin Street

Boston, Massachusetts 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Howard G. Pollack

Michael R. Headley

500 Arguello Street, Suite 500

Redwood City, California 94063

Telephone: (650) 839-5070

Facsimile: (650) 839-5071

Attorneys for Plaintiff

POWER INTEGRATIONS, INC.

## Issued by the

## UNITED STATES DISTRICT COURT

MIDDLE	DISTRICT OF	FLORIDA		
POWER INTEGRATIONS, INC., a				
Delaware corporation,				
Plaintiff,				
7	SUBPOENA IN A	CIVIL CASE		
<b>v</b> .				
FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., a Delaware corporation FAIRCHILD SEMICONDUCTOR CORPORAT a Delaware corporation,	A. No. 04-1371 JJF			
Defendants.	•			
TO: John Prentice				
Palm Bay, FL 32905	Conexant 2401 Palm Bay Rd., NE, Bldg. 62, Mail Stop B017, Room B294			
	Ountee 213toe Dianict Comit at m	e place, traic, and time specified below		
to testify in the above case.		COURTROOM		
PLACE OF TESTIMONY				
		DATE AND TIME		
YOU ARE COMMANDED to appear at the	place, date, and time specified be	low to testify at the taking of a		
deposition in the above case.				
PLACE OF DEPOSITION		DATE AND TIME		
Hilton Melbourne Rialto Place, 200 Rialto Blvd., Mel	bourne, Florida 32901	January 26, 2006; 2:00 p.m.		
	permit inspection and copying of	the following documents or objects at		
the place, date and time specified below (list document	nts or objects):			
Please see Attachment A hereto				
PLACE	house Florida 20001	DATE AND TIME   January 25, 2006; 12:00 p.m.		
Hilton Melbourne Rialto Place, 200 Rialto Blvd., Mel	Domie, Piorna 32301	January 23, 2000, 12:00 p.m.		
		the date and time energified below		
☐ YOU ARE COMMANDED to permit inspec	4101 Of the lottowthe brempses or	DATE AND TIME		
PREMISES		250000000000000000000000000000000000000		
		Par series and the series are the series and the se		
Any organization not a party to this suit that is subpoensed for the taking of a deposition shall designate one or more				
officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).				
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTOR		DATE		
ISSUING OFFICER'S SIGNATURE TO THE PARTY THE	A STATE OF THE PARTY AND A STATE OF THE PARTY OF THE PART			
Attorneys for Plaintiff POWER INTEGRATIONS, IN	ic.	3		
	A Sandra Communication of the	January 20, 2006		
issuing officer's name, appress and phone number Michael R. Headley, Fish & Richardson P.C., 500 Arguello Street. Suite 500, Redwood City, CA 94063; (650) 839-5070				

<sup>(</sup>See Rule 45, Federal Rules of Civil Procedure, Parts C & D on the next page)

If action is pending in district other than district of Issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena în a Civil Case				
PROOF OF SERVICE				
DATE	PLACE			
SERVED				
SERVED ON (PRINT NAME)	MANNER OF SERVICE			
SERVED BY (PRINT NAME)	THILE			
The sales	CLARATION OF SERVER			
I declare under penalty of perjury under	the laws of the United States of America that the foregoing information			
contained in the Proof of Service is true and corre	ect,			
-				
Executed onDATE	SIGNATURE OF SERVER			
	ADDRESS OF SERVER			

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpocna shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpocna. The court on behalf of which the subpocna was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the permises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoens was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance:
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret of other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

(iii) requires a person who is not a party of an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### (d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoens to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

## ATTACHMENT A TO JOHN PRENTICE SUBPOENA

#### DEFINITIONS

- 1. "Prentice," "you," or "your" means John Prentice.
- 2. "Fairchild" means Delaware corporations Fairchild Semiconductor Corporation and Fairchild Semiconductor International, Inc., and their wholly-owned subsidiary and Korean corporation Fairchild Semiconductor Korea, including without limitation all of their corporate locations, and all predecessors, successors, assigns and affiliates, and all past or present directors, officers, agents, representatives, employees, consultants, and attorneys.
- 3. The "Beasom Patents" mean U.S. Patent No. 4,823,173 ("the '173 patent"), U.S. Patent 5,264,719 ("the '719 patent") and all applications, continuations, CIPs, divisionals, reexaminations, and reissues thereof, and all foreign applications (including PCT Applications) and related patents thereof, whether issued, abandoned or pending including, but not limited to, U.S. Patent Application Serial No. 831,834, filed January 7, 1986, U.S. Patent Application Serial No. 242,405, filed September 8, 1988, and U.S. Patent Application Serial No. 705,509, filed May 24, 1991.
- 4. "Document" incorporates the full meaning of Federal Rule of Civil Procedure 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drafts of final documents, all other written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive custody, possession, or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001, Federal Rules of Evidence, as well as any electronic documents including electronic mail, voice mail, and text messaging. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document. Any translation of a document is a separate document.
- 5. "Refer to," "Referring to," "Relate to," and "Relating to" mean constituting, concerning, pertaining to, mentioning, commenting on, connected with, discussing, describing, identifying, analyzing, explaining, showing, reflecting, dealing with, comprising, consisting of, containing, resulting from, or regarding a particular subject in whole or in part, either directly or indirectly.

#### **DOCUMENTS REQUESTED**

- All documents that refer or relate to the conception or reduction to practice of the inventions claimed in the Beasom Patents including, but not limited to, all inventor notebooks, engineering notebooks, specifications, correspondence, and invention disclosure statements concerning the Beasom Patents.
- Documents sufficient to identify the dates of conception and reduction to practice of the Beasom Patents.
- All documents corroborating the date of conception and reduction to practice of the Beasom Patents.
- 4. All documents concerning the prosecution of the Beasom Patents including, but not limited to, copies of all prosecution files, notes, notebooks, draft applications, draft responses and amendments, invention disclosure statements, and documents associated with any continuation, continuation-in-part, divisional, reexamination, and/or reissue of the Beasom Patents.
- 5. All documents that refer or relate to the Beasom Patents.
- All documents concerning or constituting communications between you and Fairchild, including Fairchild's attorneys with the firm Orrick, Herrington & Sutcliffe.

## FISH & RICHARDSON P.C.

Frederick P. Fish 1855-1930

W.K. Richardson 1859-1951

#### BY HAND

January 20, 2006

John Prentice Conexant 2401 Palm Bay Rd., NE Bldg. 62, Mail Stop B017, Room B294 Palm Bay, FL 32905

Power Integrations Inc. v. Fairchild Semiconductor Int'l Re: USDC-D. Del. - C.A. No. 04-1371-JJF

500 Arguello Street Suite 500 Redwood City, California 94063-1526

Telephone 650 839-5070

Facsimile 650 839-5073

Web Site www.fr.com

Michael R. Headley (650) 839-5139

Email headley@fr.com



AUSTIN

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY TWIN CITIES

WASHINGTON, DC

Dear Mr. Prentice:

I represent Power Integrations in the above-referenced matter and have enclosed a subpoena for documents and testimony that largely tracks the subpoena you have already been sent by Fairchild's lawyers. Please contact me as soon as possible with any questions or concerns, as I will be traveling to Florida on Tuesday for the depositions. Feel free to try me on my cell phone, 650-743-3335, as that might be the best way to coordinate the production of documents and any scheduling issues.

I thank you for your attention to this matter and look forward to meeting you next week.

Sincerely,

Michael Heading word Michael R. Headley

MRH/kww

Enclosures

#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., a Delaware corporation, and FAIRCHILD SEMICONDUCTOR CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 04-1371-JJF

## NOTICE OF DEPOSITION & SERVICE OF SUBPOENA

PLEASE TAKE NOTICE that on the 20th day of January 2006, Plaintiff Power Integrations, Inc. initiated service of the attached subpoena upon Bob Moore, 143 Dickinson St. NE, Palm Bay, Florida 32907.

PLEASE TAKE FURTHER NOTICE that Plaintiff Power Integrations, Inc., by its counsel, will take the deposition of Bob Moore, on Friday, January 27, 2006, at 9:00 a.m., at the Hilton Melbourne Rialto Place, Melbourne, Florida 32901.

The deposition of Bob Moore will continue from day to day, if necessary, until completed. The deposition will be taken before a notary public or other officer authorized by law to administer oaths. All of the deposition testimony will be recorded by stenographic, audio, and/or audiovisual means.

Dated: January 20, 2006

FISH & RICHARDSON P.C.

Bv:

William J. Marsden, Jr. (#2347

Sean P. Hayes (#4413)

919 N. Market Street, Suite 1100

P.O. Box 1114

Wilmington, DE 19899-1114 Telephone: (302) 652-5070 Facsimile: (302) 652-0607

Frank E. Scherkenbach 225 Franklin Street

Boston, Massachusetts 02110-2804

Telephone: (617) 542-5070 Facsimile: (617) 542-8906

Howard G. Pollack Michael R. Headley 500 Arguello Street, Suite 500 Redwood City, California 94063 Telephone: (650) 839-5070 Facsimile: (650) 839-5071

Attorneys for Plaintiff POWER INTEGRATIONS, INC.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

## Issued by the UNITED STATES DISTRICT COURT

	MIDDLE	DISTR	CT OF		FLORIDA
POWI	ER INTEGRATIONS, INC., a	******	al	· · · · · · · · · · · · · · · · · · ·	
Delaw	rare corporation,	•			
	Plaintiff,				
	Ψ,		SUBPOEN	IA IN A	CIVIL CASE
INTE FAIR	CHILD SEMICONDUCTOR RNATIONAL, INC., 2 Delaware cor CHILD SEMICONDUCTOR CORP Inware corporation,	poration, and	CASE NUMI District of De		. No. 04-1371 JJF
	Defendants.				
TO:	Bob Moore 143 Dickinson St. NE Palm Bay, FL 32907			en versione e	57. 54. 5
	•	r in the United St	nted District C	ourt at the	place, date, and time specified below
	fy in the above case.			1	COURTROOM
PLACE (	OFTESTIMONY				
	·				DATE AND TIME
⊠ deposi	YOU ARE COMMANDED to appear tion in the above case.	r at the place, date	e, and time spo	ecified belo	ow to testify at the taking of a
	OF DEPOSITION				DATE AND TIME
Hilton	Melbourne Rialto Place, 200 Rialto Blv	d., Melbourne, F	lorida 32901		January 27, 2006; 9:00 a.m.
	YOU ARE COMMANDED to produce, date and time specified below (list do see Attachment A hereto			ppying of t	he following documents or objects at
PLACE					DATE AND TIME
Hilton	Melbourne Rialto Place, 200 Rialto Blv	d., Melbourne, F	lorida 32901	e e e e e e e e e e e e e e e e e e e	January 25, 2006; 12:00 p.m.
	YOU ARE COMMANDED to permi	t inspection of the	following pr	emises at t	he date and time specified below.
PREMIS					DATE AND TIME
A	ny organization not a party to this suit	that is subpoena	ed for the tak	ing of a d	eposition shall designate one or more
office	rs, directors, or managing agents, or of	her persons who	consent to its	estify on it	s behalf, and may set forth, for each
-	designated, the matters on which the p				
ISSUING	OFFICER'S SIGNATURE AND TITLE (INDICATE I	IF ATTORNEY FOR FL	AINTIFF OR DEF	ENDANT	DATE
Attorn	He for Plaintiff POWER INTEGRATIO	ONS, INC.			January 20, 2006
issum Micha	GOFFICER'S NAME, ADDRESS, AND PHONE NUM nel R. Headley, Fish & Richardson P.C.,	ser 500 Arguelio Str	eet, Suite 500	. Redwood	City, CA 94063; (650) 839-5070

<sup>(</sup>See Rule 45. Federal Rules of Civil Procedure, Parts C & D on the next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

# ATTACHMENT A TO BOB MOORE SUBPOENA

#### **DEFINITIONS**

- 1. "Moore," "you," or "your" means Bob Moore.
- 2. "Fairchild" means Delaware corporations Fairchild Semiconductor Corporation and Fairchild Semiconductor International, Inc., and their wholly-owned subsidiary and Korean corporation Fairchild Semiconductor Korea, including without limitation all of their corporate locations, and all predecessors, successors, assigns and affiliates, and all past or present directors, officers, agents, representatives, employees, consultants, and aftorneys.
- 3. The "Beasom Patents" mean U.S. Patent No. 4,823,173 ("the '173 patent"), U.S. Patent 5,264,719 ("the '719 patent") and all applications, continuations, CIPs, divisionals, reexaminations, and reissues thereof, and all foreign applications (including PCT Applications) and related patents thereof, whether issued, abandoned or pending including, but not limited to, U.S. Patent Application Serial No. 831,834, filed January 7, 1986, U.S. Patent Application Serial No. 242,405, filed September 8, 1988, and U.S. Patent Application Serial No. 705,509, filed May 24, 1991.
- 4. "Document" incorporates the full meaning of Federal Rule of Civil Procedure 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drafts of final documents, all other written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive custody, possession, or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001, Federal Rules of Evidence, as well as any electronic documents including electronic mail, voice mail, and text messaging. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document. Any translation of a document is a separate document.
- 5. "Refer to," "Referring to," "Relate to," and "Relating to" mean constituting, concerning, pertaining to, mentioning, commenting on, connected with, discussing, describing, identifying, analyzing, explaining, showing, reflecting, dealing with, comprising, consisting of, containing, resulting from, or regarding a particular subject in whole or in part, either directly or indirectly.

#### DOCUMENTS REQUESTED

- All documents that refer or relate to the conception or reduction to practice of the inventions claimed in the Beasom Patents including, but not limited to, all inventor notebooks, engineering notebooks, specifications, correspondence, and invention disclosure statements concerning the Beasom Patents.
- Documents sufficient to identify the dates of conception and reduction to practice of the Beasom Patents.
- All documents corroborating the date of conception and reduction to practice of the Beasom Patents.
- 4. All documents concerning the prosecution of the Beasom Patents including, but not limited to, copies of all prosecution files, notes, notebooks, draft applications, draft responses and amendments, invention disclosure statements, and documents associated with any continuation, continuation-in-part, divisional, reexamination, and/or reissue of the Beasom Patents.
- 5. All documents that refer or relate to the Beasom Patents.
- All documents concerning or constituting communications between you and Fairchild, including Fairchild's attorneys with the firm Orrick, Herrington & Sutcliffe.

## FISH & RICHARDSON P.C.

Frederick P. Fish 1855-1930

1859-1951

W.K. Richardson

January 20, 2006

Bob Moore 143 Dickinson St. NE Palm Bay, FL 32907

Re: Power Integrations Inc. v. Fairchild Semiconductor Int'l

USDC-D. Del. - C.A. No. 04-1371-JJF

TOTAL 2006

500 Arguello Street Suite 500 Redwood City, California 94063-1526

Telephone 650 839-5070

Facsimile 650 839-5071

Web Site www.fr.com

Michael R. Headley (650) 839-5139

Emzil headley@fr.com

Dear Mr. Moore:

面

AUSTIN BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

I represent Power Integrations in the above-referenced matter and have enclosed a subpoena for documents and testimony that largely tracks the subpoena you have already been sent by Fairchild's lawyers. Please contact me as soon as possible with any questions or concerns, as I will be traveling to Florida on Tuesday for the depositions. Feel free to try me on my cell phone, 650-743-3335, as that might be the best way to coordinate the production of documents and any scheduling issues.

I thank you for your attention to this matter and look forward to meeting you next week.

Sincerely,

Michael R. Headley

#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a Delaware corporation,

Plaintiff.

٧.

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., a Delaware corporation, and FAIRCHILD SEMICONDUCTOR CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 04-1371-JJF

#### AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to stipulation and Federal Rule of Civil Procedure 45, Plaintiff Power Integrations, Inc., by its counsel, will take the deposition of James D. Beasom, on Thursday, January 26, 2006, at 9:00 a.m., at the Hilton Melbourne Rialto Place, Melbourne, Florida 32901.

The deposition of James D. Beasom will continue from day to day, if necessary, until completed. The deposition will be taken before a notary public or other officer authorized by law to administer eaths. All of the deposition testimony will be recorded by stenographic, audio, and/or audiovisual means.

Dated: January 20, 2006

FISH & RICHARDSON P.C.

William I. Marsden, Jr. #2

Sean P. Hayes (#4413)

919 N. Market Street, Suite 1100

P.O. Box 1114

Wilmington, DE 19899-1114 Telephone: (302) 652-5070 Facsimile: (302) 652-0607

Frank E. Scherkenbach

225 Franklin Street Boston, Massachusetts 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Howard G. Pollack Michael R. Headley 500 Arguello Street, Suite 500 Redwood City, California 94063

Telephone: (650) 839-5070 Facsimile: (650) 839-5071

Attorneys for Plaintiff POWER INTEGRATIONS, INC.

JAN-24-06 TUE 17:45 MCS Bata Services

4077285644

P.02

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,

٧.

Plaintiff.

C.A. No. 04-1371-JJF

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., and FAIRCHILD SEMICONDUCTOR CORPORATION,

Defendants.

## NOTICE OF DEPOSITION AND SUBPOENA OF BOB MOORE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendant Fairchild Semiconductor International, Inc. will take the oral deposition of Bob Moore, at the Hilton Melbourne Rialto Place, 200 Rialto Blvd, Melbourne, FL 32901, beginning at 9:00 A.M. on January 27, 2006, continuing day to day until complete.

NOTICE IS FURTHER GIVEN THAT the deposition will be recorded stenographically through instant visual display of testimony (real-time), by certified shorthand reporter and notary public or such other person authorized to administer oaths under the laws of the United States, and shall continue from day to day until completed. This deposition will be videotaped.

NOTICE IS FURTHER GIVEN THAT Mr. Moore is instructed to produce documents, identified in the attached Subpoena, at the Hilton Melbourne Rialto Place, 200 Rialto Blvd, Melbourne, FL 32901 on January 27, 2006.

NOTICE IS FURTHER GIVEN THAT pursuant to the Federal Rules of Civil Procedure, Defendant Fairchild Semiconductor International, Inc. will serve upon Bob Moore a Subpoena in a Civil Case. Attached hereto as Exhibit A is a true and correct copy of that Subpoena.

4077285644

. . . . .

#### **ASHBY & GEDDES**

Is Lauren E. Maguire

Steven J. Balick (L.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
222 Delaware Avenue, 17<sup>th</sup> Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
iday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Defendants Fairchild Semiconductor International, Inc. and Fairchild Semiconductor Corporation

#### Of Counsel:

G. Hopkins Guy, III
Bas de Blank
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Tel: (650) 614-7400

Dated: January 19, 2006 165782.1

t

#### ATTACHMENT A

Pursuant to Federal Rule of Civil Procedure 45, Defendants Fairchild

Semiconductor International, Inc., and Fairchild Semiconductor Corporation (collectively,

"Fairchild") hereby requests that Bob Moore produce and allow inspection and copying of the
following documents and things requested herein at the Hilton Melbourne Rialto Place, 200

Rialto Blvd, Melbourne, FL 32901, at the date and time specified in the attached subpoena in
accordance with the Federal Rules of Civil Procedure (and the following Definitions and
Instructions).

#### **DEFINITIONS AND INSTRUCTIONS**

- A. In responding to the present subpoena duces tecum, you are required to furnish such information as is available to you, including but not limited to information in the possession of your agents, representatives, or any other person or persons acting on your behalf.
- B. The "Beasom Patents" shall be understood to mean U.S. Patent No. 4,823,173 (the "'173 Patent"), U.S. Patent No. 5,264,719 (the "'719 Patent") (copies of which are attached hereto as Exhibits B and C) and all applications, continuations, CIPs, divisionals, reexaminations, and reissues thereof, and all foreign applications (including PCT Applications) and related patents thereof, whether issued, abandoned or pending including, but not limited to, U.S. Patent Application Serial No. 831,384, filed January 7, 1986, U.S. Patent Application Serial No. 242,405, filed September 8, 1988, and U.S. Patent Application Serial No. 705,509, filed May 24, 1991.
- C. The terms "writings," "recordings," or "documents" as used herein are used in their broadest sense and include, without limitation, the original and all non-identical copies (including those with any notations) of the following items: agreements and contracts; assignments; licenses; correspondence; reports, notes and memoranda; summaries, daytimers, calendars, minutes, notes and records of telephone conversations, meetings and conferences; reports and/or summaries of investigations; opinions and reports of experts and consultants; statements of persons having knowledge of relevant facts; cablegrams and telex messages; patents, registrations of service or trademarks, copyrights, and applications for each of them;

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opinions of counsel; sales records, including purchase orders, order acknowledgments and invoices; books of account; statements, bills, checks and vouchers; brochures, pamphlets, catalogs, sales literature and sales promotion material; advertisements; world-wide web and/or internet postings; trade letters, notices and announcements, and press releases; specification sheets and diagrams; warranty forms; notebooks, data sheets, microfilm, microfiche, photographic negatives, breadboards, architectural diagrams, blueprints, schematics, logic diagrams, timing diagrams, pictures, photographs; all data or information stored on computer readable media, such as electro-magnetic or other disks, diskettes, hard disk drives, tapes, cartridges, and CD-ROM, including, but not limited to, software, firmware, source code, all code listings including comments, code files, electronic mail; and all writings as that term is defined by Rule 1001 of the Federal Rules of Evidence. The terms "writings," "recordings," or "documents" refer to all writings, recordings or documents of which you have knowledge, and all writings which are in the possession, custody or control of you, your agents, attorneys, officers, employees, or other representatives.

- D. "Any" shall be understood to include and encompass "all." As used herein, the singular shall always include the plural and the present tense shall also include the past tense.

  The words "and" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request all documents or things that might otherwise be construed to be outside its scope.
- E. "Concerning" means relating to, evidencing, mentioning, discussing, constituting, contradicting, supporting, referring to, or in any other way dealing with the subject matter described in the request in which the term appears.
- F. If you object to the production of any document on the grounds that it is protected from disclosure by the attorney-client privilege, work-product doctrine, or any other privilege, you are requested to identify each document for which the privilege is claimed and give all information required by applicable case law, including but not limited to the following:
  - a. the name of the writer, sender, or initiator of each copy of the document;
  - b. the name of the recipient, addressee, or party to whom any copy of the

1	ć	locument was sent;
2	c. t	he date of each copy of the document, if any, or an estimate of its date;
3	đ. t	statement of the basis for the claim of privilege; and
4	e. 1	description of the document sufficient for the Court to rule on the
5	<b>1</b>	applicability and appropriateness of the claimed privilege.
6		LIST OF DOCUMENTS TO BE PRODUCED
7	1.	All documents concerning the conception or reduction to practice of the
8	inventions claimed in t	he Beasom Patents including, but not limited to, all inventor notebooks,
9	engineering notebooks	specifications, correspondence, and invention disclosure statements
10	concerning the Beason	Patents.
<b>I</b> 1	2. 1	Documents sufficient to identify the dates of conception and reduction to
12	practice of the Beasom	Patents.
13	3.	All documents corroborating the date of conception and reduction to
14	practice of the Beasom	Patents.
15	4.	All documents concerning the prosecution of the Beasom Patents
16	including, but not limit	ed to, copies of all prosecution files, notes, notebooks, draft applications,
17	draft responses and am	endments, invention disclosure statements, and documents associated with
18	any continuation, conti	nuation-in-part, divisional, reexamination, and/or reissue of the Beasom
19	Patents.	
20		
21		
22		
23		
24		
25		
26		
27		
28		
	II.	

# **EXHIBIT A**

4077285644

P.08

OAO 88 (Rev 1/94) Subpoens in a CIVII Case				
Issued by				
UNITED STATES DISTRICT COURT				
MIDDLE DISTRICT	OF FLORIDA			
POWER INTEGRATIONS, INCORPORATED, Plaintiff, V.	SUBPOENA IN A CIVIL CASE			
FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC. AT FAIRCHILD SEMICONDUCTOR COPRORATION, Defendant	NDCase Number: 04-1371-JJF its. District of Delaware			
TO: Bob Moore 143 Dickinson St. NE Palm Bay, FL 32907				
YOU ARE COMMANDED to appear in the United States Ditestify in the above case.	strict court at the place, date, and time specified below to			
PLACE OF TESTIMONY	COURTROOM			
	DATE AND TIME			
YOU ARE COMMANDED to appear at the place, date, and in the above case.	time specified below to testify at the taking of a deposition			
PLACE OF DEPOSITION Hilton Melbourne Righto Place, 200 Righto Blvd., Melbourne, Flo	pate and time January 27, 2006 at 9:00 a.m.			
YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or object Documents described in accompanying Schedule A to Subpo	ats):			
PLACE Hilton Melbourne Rialto Place, 200 Rialto Blvd., Melbourne, Flo	rida 32901 DATE AND TIME January 27, 2006 at 9:06 a.m.			
YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.				
PREMISES	DATE AND TIME			
Any organization not a party to this suit that is subpoensed for the directors, or managing agents, or other persons who consent to testify the inatters on which the person will testify. Federal Rules of Civil Proc	in its behalf, and may set forth, for each person designated,			
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PL	AINTIFF OR DEFENDANT) DATE January 18, 2006			
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Bas de Blank, Orrick, Herrington & Sutcliffe LLP, 1000 Marsh R Attorney for Defendants Fairchild Semiconductor International, I	oad, Menio Park, CA 94025 650.614.7400 nc. and Fairchild Semiconductor Corporation			

"If action is pending in district other than district of insumor, state district under case number.

AO 88 (Rev 1/94) Subpoens in a Civil Case	
	PROOF OF SERVICE
DATE	PLACE
SERVED:	• • • • • • • • • • • • • • • • • • •
served on (Print Name)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE
A second	DECLARATION OF SERVER
in the Proof of Service is true and correct,	he laws of the United States of America that the foregoing information contained
Executed on	SIGNATURE OF SERVER
	ADDRESS OF SERVER
	A STATE OF THE PARTY OF THE PAR

#### Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (e) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the pasty or attorney in breach of this duty as appropriate senction which may include, but is not limited to, lest emetage and reasonable attorney's for.
- (2) (A) A person commanded to produce and penult inspection and copying of designated books, papers, documents or languide things, or impection of premises seed not appear in person at the place of production or inspection unless commanded to appear for deposition, learning or trial.
- (B) Subject to puragraph (d) (2) of this rule, a person communded to produce and person inspection and copying may, within 14 days after service of subpoens or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attempt, delignated in the subpoents written discussed in superction or copying of my or all of the designated materials or of the premises. If objection is made, the party serving the subpoents shall not be entitled to inspect and copy materials or impect the premises except pursuant to an order of the court by which the subpoents wis issued. If objection has been an other or the count by which his subposite was instead. In objection has been made, the party serving the subposite may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and
- (3) (A) On thirdly motion, the court by which a subpoens was asseed shall quash or modify the subpoens if it
  - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to sravel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
  - (iv) tubjects a person to undue burden.

#### (B) if a subcoent

(i) requires disclosure of a trade secret or other confidential research.

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or
information not describing specific events or consummers in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the sourt may, to protect a person subject to or affected by the subpoems, quash or modify the subpoems, or, if the party in who behalf the subpoems is issued shows a substantial need for the festimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoems is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### (d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subposes to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the entegories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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		United States		AIDT
	MITT	•	DISTRICT C	FLORIDA
POW	ER INTEGRAT		MCI OF	PEGRUA
	ware corporation			
	Plata	riet,		
	٧.	*	SUBPOENA IN A	CIVIL CASE
	CHILD SEMIC		CASE NUMBER: C	A. No. 04-1371 JJF
		INC., a Delaware corporation, and GNDUCTOR CORPORATION.		Dy: Alison M. Straction Proven Soon that led the miles?
	Sware corporation			on: Thease 1
	Defe	aldzats.	Served	on: - 21/10
TO:	Bob Mosec	•	Date:_	1194/00 Time: 8
	143 Dickinson Palm Bay, FL		<del></del>	1 4
	YOU ARE CO	HIMANDED to appear in the United S	tated District Court at &	e place, date, and time specified below
	ily in the above to	\$2.		COUNTROOM
VLACS:	of tertmony	1		- ·
		y		DATE AND TIME
		1		
Ø		MANDED to appear at the place, dat	o, sed time specified by	low to testify at the telcing of a
	Lion in the above		<del></del>	DATE AND TIME
		iPlace, 200 Richo Bivd., Malbourne, F	Tarld2 32501	January 27, 2006; 9:00 a.m.
		<b>}</b>		
X)		MANDED to produce and pennit in		he following documents or objects at
	ice, date and time see Attachment A	specified below (list documents or objection	c#)2	
, a				
PLACE				DATE AND TIME
Likon	Melbourno Rialto	Place, 200 Risko Blvd., Melbourst, F	lorida 32901	January 25, 2006; 12:00 p.m.
		: MMANDED to permit inspection of the	4-11	Le did not it from manifest helper
LI PRE-US		MANAGED to better respection of on	: 10 HO MICE OF STATES BY	DATE AND THE
4/Takirini	<b></b> .	<b>\$</b>		
		1 *		
A	ny organization s	et a party to this sult that is subposted	ed for the taking of a d	aposition shall dosignate one or more
officer	s, directors, or an	husging agents, or other persons will testify.	Consent to fashiy on I	is behalf, and may set forth, for each
		TE VAIO LIUTE (STOICVLF IN YLLOSHISA KOY LI		DATE
SSUING	OFFICER'S SIGNATURE		meritary Astronomical and	
ATTO AN	of the Plaintiff Po	WER DIFFERNATIONS, INC.		January 20, 2005
SSUDNO		MARIE LANGE WITH MINERAL MARIET		
Micho	el R. Headley, Fis	h & Richardson P.C., 500 Arguello Str	cel 2016 200, Reawaco	City, CA 94003; (data) bas-aviv.
		(See Andr 45, Fedoral Relies of Civil Per	other, Paris C& D on the arm's	2E4)
l Haci	on is pending in dis	riol other than district of issuance, state dist		
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- دافريور	169472			
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# ATTACHMENT A TO BOB MOORE SUBPORNA

#### DEFINITIONS

- 1. "Moore," "you," or "your" means Bob Moore,
- 2. "Fairchild" means Delaware corporations Fairchild Semiconductor Corporation and Fairchild Semiconductor International, Inc., and their wholly-owned subsidiary and Korean corporation Fairchild Semiconductor Korea, including without limitation all of their corporate locations, and all predecessors, successors, assigns and affiliates, and all past or present directors, officers, agents, representatives, employees, consultants, and attorneys,
- 3. The "Beasom Fatents" mean U.S. Patent No. 4,823,173 ("the "173 patent"), U.S. Patent 5,264,719 ("the "719 patent") and all applications, continuations, CIPs, divisionals, recraminations, and reissues thereof, and all foreign applications (including PCT Applications) and related patents thereof, whether issued, abandoned or pending including, but not limited to, U.S. Patent Application Serial No. 831,834, filed Jaduary 7, 1986, U.S. Patent Application Serial No. 242,405, filed September 8, 1988, and U.S. Patent Application Serial No. 705,509, filed May 24, 1991.
- 4. "Document" incorporates the full meaning of Federal Rule of Civil Procedure 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drefts of final documents, all other written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive custody, possession, or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001, Federal Rules of Evidence, as well as any electronic documents including electronic mail, voice mail, and text messaging. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document. Any translation of a document is a separate document.
- 5. "Refer to," "Referring to," "Relate to," and "Relating to" mean constituting, concerning, pertaining to, mentioning, commenting on, connected with, discussing, describing, identifying, analyzing, explaining, showing, reflecting, dealing with, comprising, consisting of, containing, resulting from, or regarding a particular subject in whole or in part, either directly or indirectly.

Case 1:04-cv-01371-JJF

## DOCUMENTS REQUESTED

- All documents that refer or relate to the conception or reduction to practice of the inventions claimed in the Beason Patents including, but not limited to, all inventor notebooks, engineering notebooks, specifications, correspondence, and invention disclosure statements concerning the Beason Patents.
- Documents sufficient to identify the dates of conception and reduction to practice of the Beason Patents.
- 3. All decuments corroborating the date of conception and reduction to practice of the Beason Patents.
- 4. All decrements concerning the prosecution of the Bessen Patents Including, but not limited to, copies of all prosecution files, notes, notebooks, draft applications, draft responses and amendments, invention disclosure statements, and documents associated with any continuation, continuation-in-part, divisional, reasonination, and/or release of the Bessom Patents.
- 5. All decuments that refer or relate to the Beason Patents.
- All decuments concerning or conclituting communications between you and Fairchild, including Fairchild's attorneys with the firm Orrick, Herrington & Sutcliffe.

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#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a Delaware conforation,

Plaintiff.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., a Delaware
corporation, and FAIRCHILD
SEMICONDUCTOR CORPORATION, a
Dolaware corporation,

C.A. No. 04-1371-JJF

Defendants.

## NOTICE OF DEPOSITION & SERVICE OF SUBPOENA

PLEASE TAKE NOTICE that on the 20th day of January 2006, Plaintiff Power Integrations, Inc. initiated service of the attached subpoons upon Bob Moore, 143 Dickinson St. NE, Palm Bay, Florida 22907.

PLEASE TAKE FURTHER NOTICE that Plaintiff Tower Integrations, Inc., by its counsel, will take the deposition of Bob Moore, on Friday, January 27, 2006, at 9:00 a.m., at the Hilton Melbourne Rights Place, Melbourne, Florida 32901.

The deposition of Bob Moore will continue from day to day, if necessary, until completed. The deposition will be taken before a notary public or other officer authorized by law to administer oaths. All of the deposition testimony will be recorded by stenographic, audio, and/or audiovisual means.

JAN-24-06 TUE 17:55 MCS Data Services

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P.15

Dated: January 20, 2006

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FISH & RICHARDSON P.C.

William J. Marsden, Jr. (#124

Scan P. Hayes (#4413)

919 N. Market Street, Suite 1100

P.O. Box 1114

Wilmington, DE 19899-1114

Telephone: (302) 652-5070 Psesimile: (302) 652-0607

Frank E. Scherkenbach 225 Franklin Street

Boston, Massachuseits 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Howard G. Pollsck

Michael R. Headley

500 Arguello Street, Suito 500

Redwood City, California 94063

Telephone: (650) 839-5070

Faosimile: (650) 839-5071

Attorneys for Plaintiff

POWER INTECRATIONS, INC.

JAN-24-06 TUE 17:56 MCS Data Services

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P. 16

## FISH & RICHARDSON P.C.

Prederick P. Flab. 1815-1530

WIC Richardson

BY HAND

January 20, 2006

Bob Moore 143 Dickinson St. NB Palm Bay, FL 32907

Re: Power Integrations Inc. v. Pairchild Semiconductor Int'll
UNDC-D. Del. - C.A. No. 04-1371-JJF

500 Asgunilo Scient Subseption Redwood City, California 94063-1728

Telephone 630 859-5090

Faciliale 610 [35-5072

Web Site

Michael R. Headley (650) Rep. 1219

Emil hedicy@fr.com

Dear Mr. Moore:

M

AUSTIN BOSTON

LALLED RESWEEK

NBT TORE

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WAIRIKGTON, DE

I represent Power Integrations in the above-referenced matter and have enclosed a subpoens for documents and testimony that largely tracks the subpoens you have already been sent by Fairchild's lawyers. Please contact me as soon as possible with shy questions or concerns, as I will be traveling to Florida on Tuesday for the depositions. Feel free to try me on my cell phone, 650-743-3335, as that might be the best way to coordinate the production of documents and any scheduling issues.

I thank you for your attention to this matter and look forward to meeting you next week.

Sincerely,

Michael R. Hendley

50324995.dea